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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)	
NUM.0098US	

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on March 4, 2009

Signature Cynthia L. Hayden

Typed or printed name Cynthia L. Hayden

Application Number	Filed
10/805,182	March 19, 2004
First Named Inventor	
Rino Micheloni	
Art Unit	**Examiner**
2113	Joseph D. Manoskey

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 28,994
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34

Signature

Timothy N. Trop
Typed or printed name

(713) 468-8880
Telephone number

March 4, 2009
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of _ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Tradeamrk Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:		§		
	Rino Micheloni et al.	§	Art Unit:	2113
		§		
Serial No.:	10/805,182	§	Examiner:	Joseph D. Manoskey
		§		
Filed:	March 19, 2004	§	Conf. No.:	7411
		§		
For:	Integrated Memory System	§	Docket:	NUM.0098US
		§		03-AG-078

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STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Claim 1 calls for a "storage error corrector." Thus, the corrector must correct storage errors. The claim is explicit that the storage errors are "a different predetermined storage error of data stored in the memory." Thus, the storage error corrector must, necessarily, be able to correct errors in the data stored in a storage.

The cited reference to Pittelkow has absolutely nothing to do with correcting storage errors or, for that matter, storage errors whatsoever. The office action relies on the failure managers, but the failure managers are explained in some detail, starting in column 23, line 65. These failure managers simply detect when one of the controllers 201 fails. The failure of the controller has nothing to do with storage errors on data stored in a memory and the Pittelkow reference is completely irrelevant.

Moreover, even when a controller fails, there is no correction of any storage error. All the failure manager does is report the failures to the resource manager. See column 24, lines 16-23.

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Cynthia L. Hayden

Slave failure managers 302 discover data link errors. See column 25, lines 1-5. A data link error cannot in any way be said to correspond to a storage error, nor in any way correspond to actually correcting, as exposed to merely detecting, such an error.

The reference is not reasonably pertinent since all it does is determine when controllers fail. It does not handle the situation where there is an error in the data stored in the memory. That is because detecting controller failures does not correspond to correcting storage errors of data stored in the memory.

Therefore, reconsideration of claim 1 is respectfully requested.

Claim 9 is even more explicit. It calls for storing data in a non-volatile solid-state memory, the data having at least one storage error of a plurality of storage error types. Thus, what is referred to explicitly is the data stored in the non-volatile solid-state memory. Pittelkow has nothing to do with such a system. He does not detect data storage errors in solid-state memories and he does not correct such errors.

Similarly, the rejection of claims 17, 19, and 21 should be reconsidered.

The mere fact that Pittelkow shows an NVRAM and a disk storage does not have anything to do with teaching correcting data errors in such an NVRAM. A disk storage has nothing to do with a solid-state memory. The fact that solid-state drives are known gives one no inclination of why to use a reference which teaches handling, but not correcting, controller failures to correct errors in the data stored on a solid-state memory. The rejection is untenable and should be withdrawn.

Respectfully submitted,

Date: March 4, 2009

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